

**LPDES PERMIT No. LA0005291, AI No. 2119
LPDES FACT SHEET and RATIONALE**

**FOR THE DRAFT LOUISIANA POLLUTANT DISCHARGE ELIMINATION SYSTEM
(LPDES) PERMIT TO DISCHARGE TO WATERS OF LOUISIANA**

- I. COMPANY/FACILITY NAME:** Chemtura Corporation
Gretna Facility
1801 U. S. Hwy. 52-W
West Lafayette, IN 47906-5310
- II. ISSUING OFFICE:** Louisiana Department of Environmental Quality
Office of Environmental Services
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- III. PREPARED BY:** Paula M. Roberts
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DATE PREPARED: July 1, 2008

IV. PERMIT ACTION/STATUS:

A. Reason for Permit Action:

Proposed reissuance of a Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term following regulations promulgated at LAC 33:IX.2711/40 CFR 122.46.*

- * In order to ease the transition from NPDES to LPDES permits, dual regulatory references are provided where applicable. The LAC references are legal references while the 40 CFR references are presented for information purposes only. In most cases, LAC language is based on and is identical to the 40 CFR language. 40 CFR Parts 401, 405-415 and 417-471 have been adopted by reference at LAC 33:IX.4903 and will not have dual references. In addition, state standards (LAC 33:IX Chapter 11) will not have dual references.

LAC 33:IX Citation: Unless otherwise stated, citations to LAC 33:IX refer to promulgated regulations listed at Louisiana Administrative Code, Title 33, Part IX.

40 CFR Citation: Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40, Code of Federal Regulations in accordance with the dates specified at LAC 33:IX.2301.F., 4901, and 4903.

- B. LPDES Major modification:** Issue date – August 18, 2006
Effective date – October 1, 2006
Expiration date – August 31, 2007
- LPDES Minor modification:** Issue date – March 30, 2006
Effective July 1, 2005
Expiration date – August 31, 2007
- LPDES permit:** Issue date – August 9, 2002
Effective date – September 1, 2002
Expiration date – August 31, 2007
EPA has not retained enforcement authority

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Date Application Received: The permit renewal application was received by this Office on August 31, 2007. Supplemental information was received via email on June 6, 2008.

V. FACILITY INFORMATION:

- A. LOCATION- 1805 Fourth Street, Harvey, LA, Jefferson Parish
 (Latitude 29°54'39", Longitude 90°04'23")
- B. APPLICANT ACTIVITY- The applicant ceased all operations as a chemical manufacturing facility under SIC Code 2869 by November 2003. Since that time, the Gretna plant has been in various stages of dismantling, demolition and environmental remediation in preparation for selling the property. Since November 2003, there have been no chemical manufacturing operations at this site. While the plant is not an active manufacturing facility now, current closure activities at the Gretna plant are similar to those under SIC Code 2992, Lubricating Greases and Oils. However, there are no production activities, only residual recovery of lubricants and oils during dismantling and demolition. Originally, stormwater runoff from the process area was deep well injected; however, the deep well was plugged and abandoned in February through March 2008. All stormwater runoff generated on site is discharged via Outfall 001.
- C. Technology Basis – 40 CFR Chapter I, Subchapter N (Effluent Guidelines and Standards) parts 401, 405-415 and 417-471 have been adopted by reference at LAC 33:IX.4903.

Guidelines
 None

Reference
 N/A

Other sources of technology based limits:

Current LPDES permit (effective October 1, 2006)

LDEQ Stormwater Guidance, letter dated 6/17/87, from J. Dale Givens (LDEQ) to Myron Knudson (EPA Region 6)

Best Professional Judgement

- D. FEE RATE
- Fee Rating Facility Type: Major
 - Complexity Type: III
 - Wastewater Type: I
 - SIC code(s): 2992
- E. Facility Effluent Flow – Intermittent

VI. RECEIVING WATERS:

Outfall 001 - Mississippi River via an unnamed local ditch

- A. River Basin: Mississippi, Subsegment No. 070301

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B. Designated Uses:

The designated uses are primary contact recreation, secondary contact, fish and wildlife propagation and drinking water supply

This information is based on the following: LAC 33:IX, Chapter 11.

VII. OUTFALL INFORMATION:

Outfall 001

- A. Type of wastewater – the intermittent discharge of low contamination potential stormwater runoff
- B. Location Of Outfall(s):
 Outfall 001 – At the point of discharge prior to combining with other waters
 (Latitude 29°54'37", Longitude 90°04'29")
- C. Treatment – None
- D. Flow for Outfall 001 – Intermittent
- E. Receiving Waters – Mississippi River via an unnamed local ditch
- F. Basin and subsegment – Mississippi River Basin, 070301

VIII. CURRENT EFFLUENT LIMITS:

See Appendix B – LPDES permit limits

IX. PROPOSED PERMIT LIMITS:

The specific effluent limitations and/or conditions will be found in the draft permit. Development and calculation of permit limits are detailed in the Permit Limit Rationale section below.

Summary of Proposed Changes from the Current LPDES permit:

- A. Part II conditions for stormwater discharges associated with industrial activities have been established in the draft permit.
- B. Part II, Section N includes updated language regarding the schedule for submittal of Discharge Monitoring Reports. All DMRs are sent to the Office of Environmental Compliance/Permit Compliance Unit and scanned into the Electronic Document Management System which is accessible to all DEQ personnel.
- C. The Laboratory Accreditation Language that was located in Part II of the previous permit has been removed. This language is now located in Part III, Section C, Paragraph 10 of the permit.

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D. All stormwater generated on site is discharged via Outfall 001.

X. PERMIT LIMIT RATIONALE:

The following section sets forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit. Also set forth are any calculations or other explanations of the derivation of specific effluent limitations and conditions, including a citation to the applicable effluent limitation guideline or performance standard provisions as required under LAC 33:IX.2707/40 CFR Part 122.44(a) and reasons why they are applicable or an explanation of how the alternate effluent limitations were developed.

A. TECHNOLOGY-BASED VERSUS WATER QUALITY STANDARDS-BASED EFFLUENT LIMITATIONS AND CONDITIONS

Following regulations promulgated at LAC 33:IX.2707.L.2.b/40 CFR Part 122.44(l)(2)(ii), the draft permit limits are based on either technology-based effluent limits pursuant to LAC 33:IX.2707.A/40 CFR Part 122.44(a) or on State water quality standards and requirement pursuant to LAC 33:IX.2707.D/40 CFR Part 122.44(d), whichever is more stringent.

B. TECHNOLOGY-BASED EFFLUENT LIMITATIONS AND CONDITIONS

Regulations promulgated at LAC 33:IX.2707.A/40 CFR Part 122.44 (a) require technology-based effluent limitations to be placed in LPDES permits effluent limitations guidelines where applicable, on BPJ (best professional judgement) in the absence of guidelines, or on a combination of the two. The following is a rationale for types of wastewaters. See outfall information descriptions for associated outfall(s) in Section VII.

1. Outfall 001 – the intermittent discharge of low contamination potential stormwater runoff from non-process areas.

Parameter	Monthly Average Limit	Daily Maximum Limit	Frequency	Reference
Flow	Report	Report	1/quarter	LAC33:IX.2701.L.1.b.
TOC	---	50 mg/l	1/quarter	LDEQ Stormwater Guidance
Oil & Grease	---	15 mg/l	1/quarter	LDEQ Stormwater Guidance
pH	6.0 s.u. (min)	9.0 s.u. (max)	1/quarter	LDEQ Stormwater Guidance

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C. WATER QUALITY BASED EFFLUENT LIMITATIONS

In accordance with 40 CFR 122.44(d)(1), the existing discharge was evaluated to determine whether pollutants would be discharged "at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard." This existing facility is not listed in 40 CFR 122, Appendix A under any primary industry category as well as the constituents of this discharge consist of the intermittent discharge of low contamination potential stormwater runoff. Therefore, the applicant is not required to submit effluent data for any toxic pollutants for which stream standards have been established under LAC 33:IX.1113 and no water quality-based limitations have been established in the permit.

D. TMDL Waterbody

The discharge from Outfall 001 flows into the Mississippi River via an unnamed local ditch in Subsegment No. 070301 of the Mississippi River Basin. This subsegment is listed on LDEQ's FINAL 2006 305(b)/303(d) Integrated Report dated February 15, 2008 as fully supporting its designated uses. Therefore, there are no impairments of concern and the inclusion of additional permit limitations in the permit to address any impairment is not necessary.

However, a reopener clause has been placed in Part II of the permit to allow for more stringent or additional limitations or requirements to be placed in the permit, if needed, as a result of the establishment of any future TMDLs.

E. MONITORING FREQUENCIES

Regulations require permits to establish monitoring requirements to yield data representative of the monitored activity [LAC 33:IX.2715/40 CFR 122.48 (b)] and to assure compliance with permit limitations [LAC 33:IX.2707.1/40 CFR 122.44(1)]. All monitoring frequencies are based upon best professional judgment and/or are consistent with frequencies established in the current LPDES permit.

1. Outfall 001 – the intermittent discharge of low contamination potential stormwater runoff

The following pollutants are to be monitored once/quarter.

Parameter(s):

Flow, TOC, Oil & Grease and pH

XI. COMPLIANCE HISTORY/DMR REVIEW:

- A. LDEQ records were reviewed for the period from April 2006 through April 2008. The findings revealed no enforcement actions were issued regarding this facility for this period.

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- B. A DMR review of the monitoring reports for the period of October 2005 through April 2008 revealed the following effluent violations.

9/07 –TOC (reported Daily Maximum-79.2 mg/l with a permit limit of 50 mg/l)

- C. The following inspection was performed during the period April 2006 through April 2008:

On March 19, 2007, an inspection was performed by Zoila Osteicoechea. The findings included:

- a. A major modification of the LPDES LA0005291 was issued on 8/18/06.
- b. Permit modification became effective on 10/01/06. Permittee authorized to discharge from Outfall 001/intermittent discharge of low contamination potential stormwater runoff.
- c. This facility has stormwater discharge only. Non-stormwater collected treated and discharged into injection deep well.
- d. Monitoring frequency 1/quarter.
- e. No operations since 11/15/03. This facility is currently a remediation site.
- f. MOSCAR pit area is permitted under the stormwater permit-LAR200000.
- g. Reviewed DMRs, SPC and SPCC plans. SWP3 (LA0005291)
- h. No discharge at the time of the inspection.

There were no areas of concern observed during the inspection.

XII. "IT" QUESTIONS – APPLICANT'S RESPONSES

This application is for an LPDES permit renewal with no major modifications or additions, therefore, responses to these questions are not necessary.

XIII. ENDANGERED SPECIES:

The receiving waterbody, Subsegment No. 070301 of the Mississippi River Basin has been identified by the U. S. Fish and Wildlife Service (FWS) as habitat for the Pallid Sturgeon which is listed federally as a threatened species. This is a major facility discharging into one of the designated subsegments; however, the discharge does not contain any of the listed substances in Section 11.2 of the Implementation Strategy as requiring consultation with the Service. This strategy was submitted with a letter dated October 24, 2007 from Boggs (FWS) to Brown (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. Therefore, the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat.

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XIV. HISTORIC SITES:

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits, no consultation with the Louisiana State Historic Preservation Officer is required.

XV. TENTATIVE DETERMINATION:

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to reissue a permit for the discharge described in the application.

XVI. VARIANCES:

No requests for variances have been received by this Office.

XVII. PUBLIC NOTICES:

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the fact sheet. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspapers of general circulation

Office of Environmental Services Public Notice Mailing List